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SENATOR CHAMBERS: Now, even though the Nebraska Supreme Court, which is the highest state court, makes a declaration on the law, a federal court can overrule the state of Nebraska if a federal question or the U.S. Constitution is involved in that issue, and the federal court feels that the Nebraska court ruled in a way that does not conform to the requirements of federal law. Here's the way that I'll ask the question: A federal district court can overrule a decision by the Supreme Court of Nebraska on a federal issue or one involving the U.S. Constitution. Isn't that correct?

SENATOR MATZKE: Well, I don't want to be hair-splitting with you, but actually, in a federal habeas corpus proceeding, the federal court can examine the...whether the defendant has been afforded constitutional rights. So, the federal court will look, actually, at the factual situation on a habeas corpus proceedings to determine whether constitutional rights have been violated. Now, in individual cases, they may find constitutional violations. They cannot, specifically, overrule the Nebraska Supreme Court. They may find that in a particular case it has misapplied the law.

SENATOR CHAMBERS: Let me rephrase the question. In a case where the federal district court has determined...and it has done this already, but our colleagues may not be aware of it, that's why I'm doing it in the question-answer format...a federal district court has set aside death sentences handed down by the Nebraska Supreme Court because they were handed down out of conformity with the requirements of federal law. Do you agree with that?

SENATOR MATZKE: Right. I think your question is more precise and accurate than on a case-by-case basis...

SENATOR CHAMBERS: Yes.

SENATOR MATZKE: ...right, they can say there's something wrong legally or factually and they can set aside a conviction. Yes.

SENATOR CHAMBERS: So now, if the Nebraska Supreme Court chooses to bind itself to the construction it gave of these words, that's one thing. But is it possible that the federal district